

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR**

**WEDNESDAY, THE 2ND AUGUST 2006 / 11TH SRAVANA 1928**

**OP.No. 6869 of 2000(P)**  
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**PETITIONERS:**  
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1. **K.M.ABDUL MAJEED, S/O.MUHAMMED,  
KANJIRAMUKALEL HOUSE,  
PALLARIMANGALAM P.O., POTHANIKKADU,  
(VIA), KOTHAMANGALAM.**
2. **K.M.IBRAHIM, S/O. MYTHEEN,  
KAVALAYIL HOUSE, KOOVALLOOR (PO),  
POTHANIKKADU (VIA), KOTHAMANGALAM.**
3. **PAREETH MUHAMMED, S/O.PAREETH,  
KANJIRAKKATTU HOUSE, KOOVALLOOR  
PO., POTHANIKKADU VIA. KOTHAMANGALAM.**

**BY ADV. SRI.C.K.ABDUL RAHIM**

**RESPONDENTS:**  
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1. **THE STATE OF KERALA, REP. BY ITS  
SECRETARY TO THE AGRICULTURAL DEPARTMENT,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE ASST. DIRECTOR OF AGRICULTURE,  
KOTHAMANGALAM.**
3. **THE AGRICULTURAL OFFICER,  
'KRISHI BHAVAN', PALLARIMANGALAM,  
P.O., POTHANIKKADU VIA, KOTHAMANGALAM.**
4. **THE ASST. EXECUTIVE ENGINEER,  
(AGRICULTURAL), VYTILA, ERNAKULAM.**
5. **THE DEPUTY TAHASILDAR, (REVENUE RECOVERY),  
KOTHAMANGALAM TALUK, KOTHAMANGALAM.**
6. **PALLARIMANGALAM GRAMA PANCHAYAT,  
REP.BY IITS SECRETARY, PALLARIMANGALAM  
P.O., POTHANIKKADU VIA, KOTHAMANGALAM.**

**BY GOVERNMENT PLEADER SRI.VIJU THOMAS  
SRI.TPM.IBRAHIM KHAN**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD  
ON 02/08/2006, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**ORDER ON CMP. NO.11469/2000 IN OP. NO.6869/2000**

**DISMISSED**

**2.8.2006**

**SD/- C.N.RAMACHANDRAN NAIR, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE MINUTES OF THE MEETING DT.22.11.19094.**

**EXT.P2:- COPY OF THE LAND RELINQUISHMENT DECLARATION DT.30.1.1995.**

**EXT.P3:- COPY OF THE ADMINISTRATIVE SANCTION DT.7.4.95 T.B.(6) 2903/95.**

**EXT.P4:- COPY OF THE TECHNICAL SANCTION DT.30.3.95 EE (2) 5665/95.**

**E.XT.P5:- COPY OF THE ESTIMATE REPORT PREPARED BY THE 4TH RESPONDENT.**

**EXT.P6:- COPY OF THE MINUTES OF THE BENEFICIARY COMMITTEE MEETING.**

**EXT.P7:- COPY OF THE REPLY LETTER SUBMITTED BY THE 3RD PETITIONER TO THE 3RD RESPONDENT.**

**EXT.P8:- COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT DT.9.7.99 K.(2) 1100/94.**

**EXT.P9:- COPY OF THE REPLY SUBMITTED BY THE 3RD PETITIONER TO THE 2ND RESPONDENT DT.22.7.99.**

**EXT.P10:- COPY OF THE RESOLUTION TAKEN AS DECISION NO.15 OF THE COMMITTEE MEETING OF THE RESPONDENT DT.30.9.1999.**

**EXT.P11:- COPY OF THE LETTER OF MINISTER FOR AGRICULTURE ADDRESSED TO THE LOCAL M.L.A. DT.12.11.99.**

**EXT.P12:- COPY OF THE DECISION NO.1(10) OF THE 6TH RESPONDENT PANCHAYAT DT.19.2.2000.**

**EXT.P13:- COPY OF THE REVENUE RECOVERY NOTICE ISSUED BY THE 5TH RESPONDENT DT.10.10.99 B5. 12460/99.**

**/TRUE COPY/**

C.N.RAMACHANDRAN NAIR,J.

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O.P.NO. 6869 OF 2000  
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Dated this the 2nd day of August, 2006

### JUDGMENT

Petitioners are challenging revenue recovery proceedings initiated for recovery of advance amount of Rs. 35,000/- with interest given to them for execution of an irrigation project under the Comprehensive Coconut Development Programme on area basis. It is seen from the counter affidavit that the project is worth Rs. 1,47,000/-. Even though first respondent has filed a counter affidavit he has not admitted any work having been completed by the petitioners who are members of the samithy, third petitioner being it's convenor. However, the Panchayat has passed a resolution, Ext.P12, acknowledging construction of pump house, tank and water channels. In the absence of confirmation by concerned authority, that is, fourth respondent, O.P. is disposed of with direction to the fourth respondent to conduct inspection, verify the work done and if any amount drawn by the petitioners is not fully utilised such amount in excess of the value of work completed by them with interest can be recovered from then.

Fourth respondent is directed to conduct inspection and forward valuation report to the fifth respondent for proceeding with recovery only if the work done is not for the full amount advanced to the petitioners. Since Samithy is not interested to complete the work, I feel the amount should be utilised for some project in some other area where the local people are interested in the work. First respondent is directed to allot balance amount if available to any other area for undertaking any other project.

(C.N.RAMACHANDRAN NAIR)  
Judge

